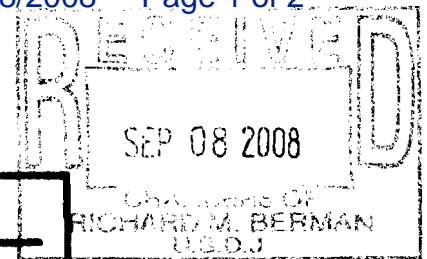


ITKOWITZ & HARWOOD

305 BROADWAY
7TH FLOOR
NEW YORK, NEW YORK 10007
(212) 822-1400
www.itkowitz.com



THE NATIONAL NEWARK BUILDING
744 BROAD STREET, 16TH FLOOR
NEWARK, NEW JERSEY 07102

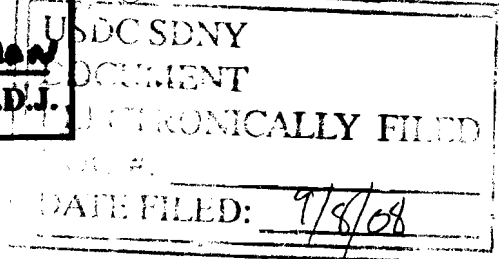
CAPITAL DISTRICT
28 PARK ROW
CHATHAM, NEW YORK 12060

Jay B. Itkowitz
Donald A. Harwood Esq. P.C.⁺
Michelle Maratto

Writer's Direct Contact Information:
Jay B. Itkowitz Ext.1801
Desktop Fax: (212) 822-1402
jitkowitz@itkowitz.com

⁺Also Admitted in Mass..

SO ORDERED:
Date: 9/8/08 *Richard M. Berman*
Richard M. Berman, U.S.D.J.

**BY HAND**

Hon. Richard M. Berman, United States District Judge
United States District Court, Southern District of New York
500 Pearl Street
Room 650
New York, New York 10007

MEMO ENDORSED

Re: Vitale AML Consultants, Inc. v. Promontory Financial Group, LLC et al.
United States District Court, Southern District of New York
Case No. 1:08-cv-1315-RMB
Our File No. 60676

Dear Judge Berman:

I represent the Rose and Samaan Defendants in the above-referenced matter. I write because I was advised yesterday evening by my client, Mr. Samaan, that due to unanticipated circumstances, Mr. Samaan has to leave the country with his parents in connection with the grave illness of his uncle.

Accordingly, Mr. Samaan will not be available for the settlement conference at 9:30 a.m. on Wednesday, September 10th. However, the Rose and Samaan Defendants are prepared to proceed with the conference, and Mr. Samaan has given me full authorization to negotiate on his behalf.

We have apprised the parties of Mr. Samaan's situation, and counsel for the Promontory Defendants have advised that they prefer to hold a settlement conference when all principals can attend. Plaintiff's counsel have stated that the plaintiff has no objection to proceeding as scheduled.

ITKOWITZ & HARWOOD

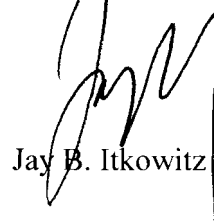
Richard M. Berman

September 5, 2008

Page 2 of 2

Please advise as to whether you want to proceed with the conference as scheduled or whether you prefer to adjourn until all parties can be present.

Very truly yours,

A handwritten signature in black ink, appearing to be 'JBI', written over the typed name.

Jay B. Itkowitz (JBI-5349)

JBI:swr

cc: All counsel of record (by email)

60676/00032794